

March 13, 2001

The Salisbury Planning Board held its regular meeting on Tuesday, March 13, 2001, in the City Council Chambers of the Salisbury City Hall at 4:00 p.m. with the following being present and absent:

PRESENT: DeeDee Wright, Ken Mowery, Fred Dula, Leigh Ann Loeblein, Elaine Stiller, Mark Lewis, Mark Perry, Jeff Smith, Sean Reid, Jeff Sowers, Andy Storey

ABSENT: John Daniels

STAFF: Harold Poole, Patrick Kennerly, Hubert Furr, Dan Mikkelson, Janice Hartis

The meeting was called to order by Chairman Lewis. The minutes of February 27, 2001, were approved as published.

ZONING MAP AMENDMENTS

Z-3-01 Salisbury Planning Board, Melrose Heights

Location: Area generally bounded by South Main St., Lumber St., railroad tracks, Mildred Ave., Boundary St., Vance Ave., Town Creek, Calhoun Ave., and Bell Street

Size: Approximately 72 acres; approximately 101 parcels

Existing Zoning: M-1 Light Industrial; MH Mobile Home overlay

Proposed Zoning: All parcels recommended for R-6 Two Family Residential except one parcel on South Main Street recommended for R-6A Multi-Family Residential; and removal of the MH Mobile Home overlay

(a) Chairman Lewis convened a courtesy hearing on Z-3-01.

Staff Planner Patrick Kennerly informed the Board that this rezoning hearing is the result of a Planning Board committee that has been studying neighborhoods around town that are zoned industrial although the land use is predominately residential. The first area the committee studied is the Melrose Heights area.

Those speaking in favor of the zoning change request:

None

Those speaking in opposition to the zoning change request:

Rodney Queen, Polo Drive – Has purchased property in this area for the purpose of establishing commercial uses on the property. Has cleared the property, closed alleyways, and has developed building plans, with construction in the near future. A zoning change would create a loss for him as well as for others in the same situation. Anyone who has purchased a house in this area within the last 30 years has done so with the knowledge that the property was zoned M-1 Light Industrial. If there are certain areas in the neighborhood that the board wants

to target to preserve the residential use, the rezoning should be taken on a smaller scale and address those areas which are heavily populated with houses rather than the lower end of this property which extends down into the flood plain area and is mostly vacant. The people who live in the deteriorated houses would have a better opportunity of gaining value from their house by selling it as commercial property rather than trying to sell it as residential and renovate.

Robert Winecoff, 307 Mildred Avenue – Presented letters from 18 property owners opposing the rezoning. The rezoning would have a negative impact on the value of the homes and properties. Not enough information to determine tax consequences. Surrounded by industry. It will just be a natural progression that has been going on for years for the neighborhood to change into industry. There is a high traffic flow in the area. There is limited access to emergency services. The area is surrounded by several businesses, and others have plans to construct new commercial sites. The neighborhood is fine with the M-1 zoning, and the residents are waiting for people to come in and look at their property for industrial use. The rezoning seems to conflict with the natural progression of the area for light industrial use. To change the zoning to residential doesn't follow with the scheme of things as far as development in the area.

Lee Wallace, Belle Realty Development – Feels that the area south of Boundary Street should stay in the M-1 district or some form of business. This is an excellent area where small businesses can develop.

Jeff Gniadek, speaking for Julius Waggoner – He is part-owner of a company that purchased property in this area several years ago with the intent of building a commercial operation when the time was right. His light industrial company has outgrown its present space and this property would be a good place to relocate the company. Rezoning this area to residential would prohibit them relocating their business and would negatively impact the value of their property.

John Ware, Bob Ware's Radiator Shop, 1231 South Main Street - The lot where his business is located is excluded from the proposal but the lot next to him is included. He purchased that lot with the intention of using it in case the business needed to expand. If the property is rezoned, he would not be able to use the lot.

William H. Smith, 424 Calhoun Street – Owns property within the MH Mobile Home overlay. A mobile home is located on one of the lots he owns. Purchased this property with the intent of someday selling as industrial property. Property is not suitable for residential. Opposes the removal of the MH overlay because he may want to replace the mobile home.

Virginia Torrence, 425 Vance Avenue – People do not keep up rental houses. If zoning is changed to residential, houses will be bought for rental purposes which will devalue the property. Would rather have a nice business than residential.

Rick Hardesty, Rowan Business Forms, 500 Vance Avenue – This neighborhood has been accented with manufacturing since the early 1900s. Neighborhood children play in their parking lot. Over the years, homes have been sold as rental units. More renting families have moved into the neighborhood and more unsupervised children are playing in their manufacturing zone. Children have thrown rocks through the building windows and employees' car windows. Children riding their bicycles or playing have to be reminded to stay off the site during work hours. Removing the light industrial zone from the neighborhood will spur two events. There will be no opportunity to stimulate any more light industrial development in this area to strengthen the neighborhood economy. More unsupervised children will be up to more mischief,

and the company will have to bear their risk cost. Would like to see the opportunity for more light manufacturing growth.

Geneva Austin, P. O. Box 399, Granite Quarry, representing Thompson Screen Prints on Boundary Street – Purchased property on Hillsboro Street knowing it was zoned M-1 with the intention of developing it with light industrial buildings.

Douglas Holmes – Purchased the old McCanless Mill and is against the rezoning.

Chairman Lewis read a letter from Mr. & Mrs. Benton Maner, 313 Vance Avenue, who are in favor of the rezoning.

Approximately 25 people stood in opposition to the rezoning request. No one stood in favor.

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Jeff Smith – Had originally thought that the area south of Boundary St. should remain M-1 and the property north of Boundary rezoned for residential. After hearing the residents' comments, would not be able to support the rezoning.

Andy Storey – We're talking about 72 acres with only one letter in support of the rezoning and 26 neighbors making good arguments for keeping the M-1 zoning. He would be against proceeding with the rezoning.

Fred Dula – It's a noble idea to preserve neighborhoods, but when the neighborhood doesn't want to be preserved, it would be impractical to rezone.

DeeDee Wright – Strives to preserve neighborhoods. Concerned that the residents seem more intent on selling their property for financial gain rather than preserving the neighborhood. Zoning's purpose is to preserve neighborhoods.

Leigh Ann Loeblein – Commends the committee for their proactive work. However, she felt the neighbors should have been contacted prior to this meeting.

Jeff Sowers – Agrees with Jeff Smith. Residents have spoken that the use doesn't necessarily match the zoning, but they like it the way it is.

Sean Reid – The committee looked at this neighborhood as being surrounded by industry. The residents are willing to take a chance on their neighborhood being developed with anything permitted in M-1.

Ken Mowery – There are needs for M-1 areas in the city. We can't do away with them. This area has been moving toward M-1 for years, and the people who have been purchasing property during the past 10 years have bought the property for light industrial and commercial uses. Appreciates the committee's proactive stance in looking at a neighborhood that was surrounded by M-1 and trying to protect the neighborhood. Can't support the rezoning.

Mark Lewis – There are different characteristics in this neighborhood. The first area involves the properties north of the railroad track. They are on Main Street and right across the street from a cemetery. Doesn't think it would be inappropriate for the Board to look at this area for rezoning to R-6 or R-6A and remove the M-1. Leave the lot adjacent to Bob Ware's business in the M-1 district. The area south of Boundary Street looked like it needed to be rezoned to M-1. A lot of the property is undeveloped and also in the flood plain. No one would build a subdivision in a flood plain. But after hearing from the neighbors, he doesn't think even the

property north of Boundary Street should be rezoned. The area is bounded by the railroad track on the north, flood plain on the south, an industry to the east and Klumac Road on the west which is all industry. The area is transitioning. There are some nice houses in the area, and that was the idea to try and protect those houses. He's not in favor of rezoning anything south of the railroad tracks to R-6. But is in favor of removing the MH overlay.

Mark Perry – Astonished at the response from the number of people who actually live in the neighborhood. We have a duty to protect neighborhoods as much as we can. We desperately need a good stock of affordable housing in Salisbury. Hates to lose any more to neglect or to this sort of attrition. Still in favor of the rezoning.

Sean Reid moved to recommend denying the rezoning. The motion was seconded by DeeDee Wright. Jeff Smith stated he would like to see the MH Mobile Home overlay removed. A motion was made by Jeff Smith to table the initial motion for the Board to discuss the mobile home overlay. This motion was seconded by DeeDee Wright with all members voting AYE. Jeff Smith then moved to recommend removing the MH Mobile Home overlay. The motion was seconded by DeeDee Wright with all members voting AYE. The Chairman then called for the question on the initial motion to deny. All members voted AYE except Mark Perry who voted NAY. The motion carried.

Z-4-01 Hendrix Barbecue, 2488 Statesville Boulevard
Location: 2488 Statesville Boulevard
Size: .652 acre (28,350 square feet)
Existing Zoning: B-CS Convenience Service Business
Proposed Zoning: B-6 General Business

(a) Chairman Lewis convened a courtesy hearing on Z-4-01.

Staff planner Patrick Kennerly stated the petitioner wants to add a dining room addition to the existing structure and cannot do so because of building size limitations in the B-CS district. The B-6 district will also help the applicant in that it reduces the required rear setback to as little as 10 feet from the rear property line. Staff is recommending that the property be rezoned to B-RT Business Retail Trade rather than B-6 as requested. Both the B-CS and the B-RT district require a 20-foot rear setback. The B-RT district would not allow as many permitted uses as the B-6 district.

Those speaking in favor of the zoning change request:

Timmy Garris, 2488 Statesville Boulevard, one of the property owners – The business has outgrown the building and the owners want to expand. As it is now zoned, the business cannot expand as large as they want to.

Those speaking in opposition to the zoning change request:

None

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

DeeDee Wright – Concerned with the number of permitted uses in B-6.

Andy Storey – Maybe the Board could consider B-6-S which would eliminate some of the uses and maybe require some landscaping.

Jeff Smith – Would like to see this go to a committee. Would also like to see some landscaping.

Leigh Ann Loeblein – Agrees with sending to a committee. Landscaping would not only make it look nice, but adding a landscaped median in the parking lot might control access in and out of the parking lot. There is no real entrance and exit which is a safety hazard.

Mark Lewis – The business has outgrown the B-CS classification. Agrees with B-RT or B-6-S with the same uses as B-RT. The amount of rear yard setback is not a real issue based on the existing buffers—foliage and a fence.

Jeff Sowers moved to send this case to a committee. The motion was seconded by Fred Dula with all members voting AYE. Committee 3 (Storey, Mowery, Stiller, Daniels) was assigned to this case.

ELECTION OF OFFICERS

Chairman Lewis indicated that at the last Planning Board meeting the Nominating Committee recommended DeeDee Wright as Chairman and Fred Dula as Vice Chairman. Chairman Lewis opened the floor for additional nominations for Chairman. There being no further nominations, the nominations were closed and Ms. Wright was elected by acclamation. The floor was opened for additional nominations for Vice Chairman. There being no further nominations, the nominations were closed and Dr. Dula was elected by acclamation.

COMMITTEE REPORTS

(a) Billboard Committee – Committee Chair Sean Reid gave a status report. The committee had met earlier with opponents of billboards and now have met with billboard representatives. The committee members seem to favor billboards along the interstate in that they are beneficial to travelers in providing information on local businesses and attractions. However, the committee saw no such benefit from billboards located in other places around the city. The committee took no action but will meet again to consider the matter.

(b) Site Plan Review Committee – Committee Chair Mark Lewis reported for the committee. Two issues were considered by the committee of what should activate site plan review—the size of the building itself and the number of parking spaces. The committee is recommending the following additional activations for site plan review:

- (1) Whenever a site plan has 10,000 square feet or more;
- (2) Whenever there are 50 or more parking spaces;
- (3) Whenever an addition of 25 percent or more breaks the 10,000 square foot threshold;
- (4) Whenever there is an addition that breaks the 50 parking space threshold;
- (5) The inclusion of all structures 10,000 square feet or more, or 50 parking spaces or more—including use for warehouses or industrial purposes;
- (6) The exclusion of churches, temples or mosques for the purpose of size or number of parking spaces (these uses would continue to be reviewed if in B-7, GD-A overlay, or other situations that activate site plan review).

This recommendation come from the committee in the form of a motion to approve and that staff be directed to prepare this recommendation in ordinance format. The motion was seconded by Sean Reid. Jeff Smith asked the thoughts behind the exclusion of churches, etc., from the site plan requirements. Chairman Lewis called on Zoning Administrator Hubert Furr to explain the cost for group development site plan review. The basic cost is \$500.00. The committee discussed exempting other nonprofit groups, such as hospitals, but decided only religious organizations would be the only exclusion.

Jeff Smith moved to amend the original motion for approval of all six committee recommendations by deleting item (6) pertaining to the exclusion of churches, temples, or mosques for the purpose of size or number of parking spaces. The motion was seconded by Ken Mowery with five members voting AYE and four members voting NAY. The motion carried to delete item (6).

The Chairman then called for the question on the original motion, with the exclusion of item (6). All members voted AYE.

(c) Rules of Procedure Committee – Elaine Stiller reported for the committee. The committee is recommending several changes to Article II, Election of Officers, pertaining to when the Nominating Committee makes their recommendation, when the election of officers is held, when the officers take office, and adding a new section requiring the Chairman and Vice Chairman to have a minimum number years of experience as a member of the Planning Board as well as limiting the Chairmanship to a maximum of two consecutive years.

As required by the Rules of Procedure, these proposed changes will be voted on at the next meeting.

There being no further business to come before the Board, the meeting was adjourned.

Chairman

Secretary